REMARKS

Claims 1-14 are pending in this application, of which claims 1 and 2 have been amended, and claims 3-14 have been withdrawn from further consideration. No new claims have been added.

(1) An Information Disclosure Statement is filed herewith, including copies of the non-patent documents AK to AO filed as IDS on February 13, 2003, which had not been considered by the examiner because the non-patent documents had not been retrieved from the other application.

(2) Claims 1 and 2 were rejected under 35USC§101 as conflicting with claims 1 and 4 of US Serial No. 10/354,151 (US 2003/0165708).

Applicants have cancelled claims 1-6 of US Serial No. 10/354,151. A copy of the Amendment filed in US Serial No. 10/354,151 is attached herewith. Reconsideration of the rejection is respectfully requested.

(3) Claims 1 and 2 were rejected under 35USC§103(a) as being unpatentable over EP0949343, JP11222641, and JP11043731. Claim 1 was also rejected under 35USC§103(a) as being unpatentable over JP06041660.

Claims 1 and 2 have been amended. The basis of the amendment is found at page 17, lines

20 and 21.

The Office Action asserts that the grain size is reported in diameter so that it is evidenced that the grains of the prior art alloys are substantially round.

However, in a general method for measuring a grain size, a line having a predetermined length is drawn on a photograph taking a cross section of an alloy, to calculate the number of the grains crossing the line. Then, the actual length of the line, exchanged based on the scale of the photograph, is divided by the number to obtain the grain size in the unit of μ m. Several lines may be drawn on the photograph in various directions, for averaging. In any event, the shape of the grain is not generally considered in measuring the grain size. Even a flattened grain has a grain size shown in the unit of μ m. The grain size reported in μ m or in diameter does not mean that the shape of the grain is round. So, it cannot be concluded that the ratio a/b of the disclosed alloys is equal to 1, although the Office Action asserts so.

The shape of the grain is very sensitive to the processes subjected to the alloy. As taught in paragraph [0016] of JP11-43731, if cold rolling is subjected to the alloy after recrystalization by 90% or more, the grain shape is deformed into fiber organization. The references cited do not teach controlling the ratio a/b into the claimed range, nor suggest improving the properties of the alloys by adjusting the shape of the grain. According to the present invention, the shape of the grain can be controlled into the recited range, by the method as described at page 18, lines 6-12. In addition, as shown in Table 3, the examples of the present invention are more excellent in all the

properties than the comparative examples, in which either the grain size or the ratio a/b was outside the claimed range. Therefore, the invention of claims 1 and 2 is not obvious over the cited references. Reconsideration of the rejection is respectfully requested.

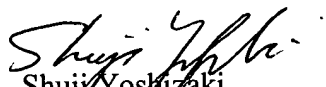
(4) In view of the above, claims 1 and 2, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the Limited Recognition at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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Attachment: Limited Recognition
A copy of the Amendment filed in US Serial No. 10/354,151
Petition for Extension of Time

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